

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

APOTEX, INC.,

Plaintiff,

v.

CEPHALON, INC., et al.

Defendants.

Civil Action No. 2:06-cv-2768-MSG

APOTEX INC.'S MOTION FOR LEAVE TO SUBMIT SUPPLEMENTAL AUTHORITY

In the patent case between Apotex and Cephalon, the issue of inequitable conduct is currently before the Court. On May 25, 2011, the Federal Circuit issued the en banc opinion *Therasense, Inc. v. Becton Dickinson & Company*, 2008-1511, -1512, -1513, -1514, -1595 (Fed. Cir. May 25, 2011) addressing the standard(s) to be applied in determining inequitable conduct. Apotex respectfully requests leave to file a Notice of Supplemental Authority, attached as Exhibit A, advising the Court of this decision.

Date: May 26, 2011

/s/ Brian J. Sodikoff

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CERTIFICATE OF SERVICE

I certify that on May 26, 2011, a copy of APOTEX INC.'S MOTION FOR LEAVE TO SUBMIT SUPPLEMENTAL AUTHORITY was served on the persons identified below via e-mail:

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<i>Discovery Counsel for Federal Trade Commission</i>	
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Notice of the filing of this Certificate of Service will be sent to all counsel of record via the CM/ECF system.

Respectfully submitted,

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